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EXAMINER

PHAN, HUY Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,972

Applicant(s)

BODNAR ET AL.

Examiner

Huy Q. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-36, 41-49, 54-57 and 59-71 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) 33-36, 41-49, 54-57, and 59-71 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 07/21/2006.
Claims 33-36, 41-49, 54-57 and 59-71 are still pending.

Response to Arguments

2. Applicant's arguments, see REMARKS, have been fully considered but they are not persuasive.

a) Applicants argued that Anderson does not teach "a buffer image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID" (see REMARKS, pages 11-12). The examiner respectfully disagrees. Based on the claim language in view of the instant specification (see paragraphs [0089]-[0092] and figure 4), the examiner interprets the limitation "a buffer image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID" to read on as described "the camera connects to the gateway server 18 and sends unique camera information and/or user information in step 120... the gateway server 18 uses the unique camera information to set up a user account 40 in step 122. After creating the user account 40, the gateway server 18 returns an information packet to the camera containing new ISP information (if needed), an account ID, and an account password in step 124". Since Gateway server, 18, is the first element in connection with the memory of the camera, 82a, through the

internet all digital images that are uploaded must be temporarily saved in the gateway server, 18, till full upload is completed before they are transferred to the database, 20, of the photo-sharing service.

b) Applicants argued that Anderson does not address user-operated types at all (see REMARKS, page 13). The examiner respectfully disagrees. Based on the claim language in view of the instant specification (see paragraphs [0090] and [0096]), the examiner interprets the limitation "user-operated types" to read on as "a combination of the camera's serial number and the make and model number of the camera may be sent as the unique camera information". Since, Anderson teaches the method of providing the device's information such as "the camera's serial number and the make and model number of the camera", Anderson teaches an identification module to determine if the data transferred by the user-operated device is from a valid type of user-operated device (col. 10, lines 30-36, for more details see cols. 10-12).

c) Applicants argued that Anderson does not teach "a module allowing a user to specify a user name and password for the user account that has been automatically established, when online access to the data is predicated upon user input of the user specified user name and password" (see REMARKS, page 14). The examiner respectfully disagrees. Since, Anderson discloses that "the camera is provided with default Internet service provider (ISP) information during manufacturing, including an ISP access number, and user ID and password (if required). The camera establishes connection with the default ISP in step 118 by dialing the preloaded access number, and by sending the preloaded user ID and password to the ISP" (col. 10, lines 15-28, for

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more details see cols. 10-12). Thus, Anderson teaches "a module allowing a user to specify a user name and password for the user account that has been automatically established, when online access to the data is predicated upon user input of the user specified user name and password".

The examiner relies upon reference, as a whole, to anticipate the instant claim, but reference's specific citations to pinpoint pertinent passages to aid in the understandings of the reference as applied to the particular claimed elements.

e) In response to applicant's arguments that the combination of Anderson and Link II do not disclose all the limitations in claims 63, and its dependent claims 64-71 (see REMARKS page 15), the examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this particular case, Anderson was used to teach all the limitations of the claim 63 except the limitation "upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the website, and associating the user defined login and password with the user account". Further, B was used only to teach that "upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the website, and associating the user defined login and password with the user account" [0057]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify the system of Anderson as taught by Link II for purpose of allowing only authorized user to access the user account, thus increasing the security for the user.

e) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner asserted that the motivation to combine the references was to allow only authorized user to access the user account, thus increasing the security for the user.

With all the reasons stated above, the rejection is deemed proper and still stands.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-36, 41-49, 54-57 and 59-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US-6,636,259).

Regarding claim 33, Anderson discloses a system (fig. 1 and description) facilitating uploading of digital images from a digital camera (fig. 1, "digital camera 14"), the system comprising:

a digital camera ("digital camera 14", col. 3 lines 27-30) for capturing digital images (col. 3, lines 40-49);

a Web site (fig. 1, website 22) for hosting said digital images captured by the digital camera (col. 3, lines 32-49);

a transport mechanism (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) for uploading the digital images from the digital camera to a user account (fig. 1, user account 40) at the Web site (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49), said user account being pre-provisioned for the digital camera (col. 3, line 50-col. 4, line 30);

a module (OS 70, see fig. 3 and its description) for automatically associating the digital images uploaded to the Web site with the pre-provisioned user account (col. 3, lines 40-49) and thereafter providing on-line access to the digital images (col. 4, lines 31-45), without requiring a user to manually set up the user account ("automatically"; col. 4, lines 25-30; for more details see fig. 1, and its description) and;

a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) that generates a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the digital images with a particular cellular phone device (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) used by the digital camera to upload digital images (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49).

a buffer image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID (col. 11, lines 20-67, for more details see cols. 11-12).

Regarding claim 34, Anderson discloses the system of claim 33, wherein said digital camera employs a cellular phone for wirelessly uploading the digital images (col. 4, lines 52-56 and col. 3, lines 40-45).

Regarding claim 35, Anderson discloses the system of claim 34, wherein said digital camera and said cellular phone are selectively coupled to one another (col. 4, lines 47-56).

Regarding claim 36, Anderson discloses the system of claim 33, wherein a

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unique device ID associated with the digital camera is used for associating the digital images with the user account ("entity IDs 28 from each camera 14 and matches...the identified user", col. 4, lines 10-30; also see abstract and for more details see figs. 2-4 and their descriptions).

Regarding claim 41, Anderson discloses the system of claim 33, wherein said Web site receives digital images as they are uploaded (col. 3, lines 32-49).

Regarding claim 42, Anderson discloses the system of claim 33, wherein said Web site continues to store digital images that are uploaded for some period of time (col. 11, line 20-col. 12, line 61).

Regarding claim 43, Anderson discloses the system of claim 33, wherein said Web site provides on-line access to the digital images (col. 4, lines 31-38).

Regarding claim 44, Anderson discloses the system of claim 33, wherein said digital camera includes connectivity to a cellular phone, for uploading digital images (col. 4, lines 52-56 and col. 3, lines 40-45).

Regarding claim 45, Anderson discloses the system of claim 33, wherein said digital camera include wireless communication capability (col. 4, lines 52-56 and col. 3, lines 40-45).

Regarding claim 46, Anderson discloses the system of claim 33, wherein said transport mechanism comprises a wireless communication network (col. 4, lines 47-67).

Regarding claim 47, Anderson discloses the system of claim 33, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the uploaded digital images along with an associated unique device ID for the images (fig. 1 and description).

Regarding claim 48, Anderson discloses the system of claim 33, further comprising: a module allowing a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 48-49).

Regarding claim 49, Anderson discloses the system of claim 33, wherein online access to the digital images is predicated upon user input of a valid user name and password (col. 11, lines 20-27).

Regarding claim 54, Anderson discloses an apparatus for automating activation of a user account associated with a user-operated device (col. 3, lines 25-47), the method comprising:

a Web site (fig. 1, website 22) to host user data transferred by the user-operated device (col. 3, lines 25-49);

a transport mechanism (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) to enable uploading of the user data from the user-operated device to a user account (fig. 1, user account 40) at the Web site (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49), the user account being pre-provisioned for the user-operated device (col. 3, line 50-col. 4, line 30);

a module for automatically associating the user data uploaded to the Web site (col. 3, lines 40-49) with the pre-provisioned user account based on a unique device ID of the transport mechanism ("the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity" (see col. 4, lines 52-56). Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information), and thereafter providing on-line access to the user data (col. 4, lines 31-45), such that the user need not manually establish the user account at the Web site (col. 3, lines 32-49);

an identification module to determine if the data transferred by the user-operated device is from a valid type of user-operated device (col. 10, lines 30-36, for more details see cols. 10-12); and

a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID (col. 11, lines 20-67, for more details see cols. 11-12).

Regarding claim 55, Anderson discloses the apparatus of claim 54, wherein the user-operated device is selected from among the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 56, Anderson discloses the apparatus of claim 54, wherein the transport mechanism has a unique device ID ("the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity" (see col. 4, lines 52-56). Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information) that is used for associating the user-operated device with the user account that has been pre-provisioned for the user data (fig. 1 and its description).

Regarding claim 57, Anderson discloses the apparatus of claim 54, further comprising: a provisioning information module ("the camera with software", col. 4, lines 9-30, also see fig. 3 and its description) to generate a unique device ID ("create entity-specific cameras 14", col. 3, lines 40-49) that is used by an accounting management module (OS 70, see fig. 3 and its description) for associating the user-operated device with the user account (fig. 1 and its description).

Regarding claim 59, Anderson discloses the apparatus of claim 54, further comprising: a database (fig. 1, gateway server 18) at the Web site for maintaining the uploaded user data along with an associated unique device ID for the images (fig. 1 and description).

Regarding claim 60, Anderson discloses the apparatus of claim 54, further comprising: a security module to allow a user to specify a user name and password for the user account that has been pre-provisioned (col. 2, lines 35-58).

Regarding claim 61, Anderson discloses a system (fig. 1) to enable automatic provisioning of a new user account ("a first time connection", see col. 2, lines 35-54) comprising:

a receiving logic to receive data from a peripheral device (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56), coupled to a digital camera ("digital camera 14", col. 3 lines 27-30), having a unique device ID ("the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity" (see col. 4, lines 52-56). Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information), the data destined for storage on a repository on the system (fig. 1 and its description);

an account management module (OS 70, see fig. 3 and its description) to automatically establish a user account ("create entity-specific cameras 14", col. 3, lines 40-49), including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the peripheral device (fig. 1 and description);

a media gateway (fig. 1, gateway 18) to associate the data with said user ID (col. 4, lines 25-30; also see fig. 1 and its description);

such that an account (fig. 1, user account 40) is automatically created for the owner of the peripheral device (col. 3, lines 50-col. 4; see fig. 1 and description), without requiring the user to first set up a user account (fig. 1 and its description), or requiring any additional information to be stored on the peripheral device (see col. 2, lines 35-58; for more details see cols. 3-5); and

a module allowing a user to specify a user name and password for the user account that has been automatically established, when online access to the data is predicated upon user input of the user specified user name and password (col. 10, lines 15-28, for more details see cols. 10-12).

Regarding claim 62, Anderson discloses the system of claim 54, further comprising: the media gateway (fig. 1, gateway 18) to query the peripheral device for the unique device ID in response to receiving the data (col. 4, lines 25-30; also see fig. 1 and its description).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 63-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Link II (US-2002/0164977).

Regarding claim 63, Anderson discloses a method (fig. 1 and its description) facilitating uploading of user data from a user-operated device (digital camera 14, see fig. 3 and its description), the method comprising:

receiving a transfer request (described as "when the cameras 14 connect to the Internet, the cameras 14 automatically upload their images to the photo-sharing website of the corresponding entity", see col. 3, lines 32-49) from a cellular phone (described as "the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56) having a unique device ID (Consequently, the camera and cell phone wireless communication part are integrated into one device thus having one unique ID information), to transfer data to a Web site (fig. 1, website 22) from the user-operated device (col. 3, lines 40-49);

determining if there is a user account associated with the unique device ID (col. 11, lines 20-60), and if so, associating the user data with the user account (col. 7, lines 13-20); and

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if there is no user account ("none are found", see col. 2, lines 35-54) associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device ID (col. 2, lines 35-50).

Anderson further discloses that "The server then sends user account information to the device, including an account ID and password. The user account information is then stored on electronic device for use the next time the electronic device accesses the website, whereby the user does not have to enter account information in order to establish the ISP connection or the website account before accessing the public network" (col. 2, lines 58-54). But, Anderson does not particularly disclose upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the website, and associating the user defined login and password with the user account. However, Link II teaches upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the website, and associating the user defined login and password with the user account [0057]; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anderson as taught by Link II for purpose of allowing only authorized user to access the user account.

Regarding claim 64, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein the user-operated device is selected from among

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the following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 65, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein establishing the user account occurs upon receiving a first transfer request from the user-operated device ("a first time connection", see col. 2, lines 35-54).

Regarding claim 66, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein establishing the user account occurs prior to first operation of the user-operated device ("none are found", see col. 2, lines 35-54).

Regarding claim 67, Anderson and Link II disclose the method of claim 63. Anderson further discloses wherein said user account is established using provisioning procedure to associate the user account with a unique device ID assigned to at least one of the user-operated device and the cellular phone (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 68, Anderson and Link II disclose the method of claim 63. Anderson further discloses determining whether at least one of the user-operated

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device or the cellular phone is an authorized device prior to storing the images on the Web site (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 69, Anderson and Link II disclose the method of claim 63. Anderson further discloses temporarily saving the user data in a buffered storage module until the user data is determined to be associated with a particular user account (col. 11, lines 56-67; for more details see cols. 11-13).

Regarding claim 70, Anderson and Link II disclose the method of claim 69. Anderson further discloses wherein said content temporarily saved in the buffered image storage module is transferred to an image storage-by-account module in an image repository after the content is determined to be associated with a particular user account (see cols. 11-13).

Regarding claim 71, Anderson and Link II disclose the method of claim 63. Anderson further discloses having a user account ticket, generated, at least in part, from the device ID ("your camera serial number is 38147" col. 11, lines 51-55), the user account ticket used for initially establishing the user account (see cols. 11-13).

Conclusion

5. **THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

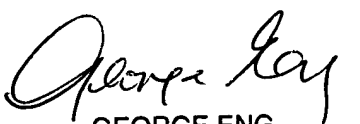
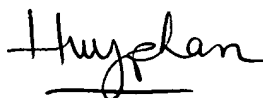
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GEORGE ENG
SUPERVISORY PATENT EXAMINER

Examiner: Phan, Huy Q.

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Date: 08/31/2006